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**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF APACHE**

IN THE GENERAL ADJUDICATION
OF ALL RIGHTS TO USE WATER IN
THE LITTLE COLORADO RIVER
SYSTEM AND SOURCE

CV 6417

**ARIZONA DEPARTMENT OF WATER
RESOURCES' REQUEST FOR
EXPEDITED CONSIDERATION OF
FORM OF VERIFICATION**

Special Master Susan Ward Harris

CONTESTED CASE NAME: None

HSR INVOLVED: None

DESCRIPTIVE SUMMARY: The Arizona Department of Water Resources ("ADWR") hereby requests expedited consideration of a change in verification for Statement of Claimant forms.

NUMBER OF PAGES: Five

DATE OF FILING: January 13, 2023

1 According to Arizona Revised Statutes (A.R.S.) § 45-254, each claimant in the
2 general stream adjudication must file a Statement of Claimant (“SOC”) setting out the
3 particulars of each claim for water right on the court-approved SOC form.¹ The content
4 of the SOC forms was approved by the Court in 1981.² Since then, claimants have filed
5 hard copies of their SOC forms with ADWR, and ADWR has maintained a database of all
6 claim information it receives.³

7 ADWR is currently undergoing an application modernization project to streamline
8 various agency tools and to enhance ADWR’s interaction with its customers. One of the
9 goals of the project is to make it easier for customers to submit applications and forms to
10 ADWR and make it easier for ADWR to collect the information provided. As part of this
11 process, ADWR would like to offer customers the ability to complete and submit forms,
12 such as SOC forms, through ADWR’s website. To accomplish this goal, it would be
13 necessary for claimants or authorized representatives to electronically sign the SOC
14 forms.

15 Under the Rules of Civil Procedure for the Superior Courts of Arizona (“R. Civ.
16 P.”), the Court may accept electronically signed documents, and such documents have the
17 “same force and effect as a signature on a document that is not filed electronically.”⁴ As
18 required by statute, the claimant or authorized representative filing an SOC form must
19 also verify the information contained therein.⁵ Assignments and amendments to SOC
20

21
22 ¹ A.R.S. § 45-254 (A).

23 ² Order Approving Form of Summons and Statement of Claimant Form filed July 17,
1981.

24 ³ See Pretrial Order No. 4 Re: Notification and Correction of Address Changes filed July
26, 2000.

25 ⁴ 16 A.R.S. Rules of Civil Procedure, Rule 11(a)(2).

26 ⁵ A.R.S. § 45-254 (D), which states in relevant part, “The statement of claimant shall be
verified by the claimant or the person authorized to file...”

1 forms must also be verified.⁶ According to the R. Civ. P., “if a rule or statute requires a
2 pleading to be verified, the pleading must be accompanied by an affidavit by the party--or
3 a person acting on the party’s behalf who is acquainted with the facts--attesting under oath
4 that, to the best of the party’s or person’s knowledge, the facts set forth in the pleading are
5 true and accurate.”⁷ Rule 80 of the R. Civ. P. also provides that “when these rules require
6 or allow a matter to be supported, evidenced, established, or proved by a sworn written
7 declaration, verification, certificate, statement, oath, or affidavit, the same may be
8 unsworn--and have the same force and effect--if it is: (1) signed by the person as true
9 under penalty of perjury; (2) dated; and (3) in substantially the following form: “I declare
10 [or certify, verify or state] under penalty of perjury that the foregoing is true and correct.
11 Executed on [date].”⁸

12 Currently, the court-approved SOC, assignment, and amendment forms contain
13 language requiring notarization of each document to satisfy the verification requirement.
14 For consistency, ADWR proposes an amendment to each of those hard copy forms to
15 remove the language requiring notarization and to include the following language with a
16 signature line:

17 I certify under penalty of perjury that to the best of my knowledge, information,
18 and belief, the facts set forth in this form are true and accurate.

19
20 Additionally, for customers to have the ability to complete and submit electronic
21 versions of these forms, an alternative form of verification will be necessary. ADWR
22 proposes to allow claimants or authorized representatives to electronically sign, date, and

23 _____
24 ⁶ See Rules for Proceedings Before the Special Master filed November 1, 1991 at 19 and
25 Order approving the assignment and amendment forms filed May 27, 1987 in the Gila
River adjudication, Maricopa County Case W-1, W-2, W-3, W-4.

⁷ 16 A.R.S. Rules of Civil Procedure, Rule 8(h).

26 ⁸ 16 A.R.S. Rules of Civil Procedure, Rule 80(c).

1 submit SOC, assignment, and amendment forms through ADWR's website and to
2 electronically verify the forms by checking a box above the signature line that reads:

3
4 By clicking this box, I certify under penalty of perjury that to the best of my
5 knowledge, information, and belief, the facts set forth in this form are true and
6 accurate.⁹

7
8 ADWR believes that verification in the manner described above is permitted under
9 the R. Civ. P. and satisfies the verification requirement of A.R.S. § 45-254 (D). ADWR
10 respectfully requests that the Court expedite its consideration of its proposed amendments
11 to the verification language on the SOC, assignment, and amendment forms and its
12 proposed electronic signature and verification procedure to avoid delays in incorporating
13 this procedure, if approved, into ADWR's application modernization project.

14 **RESPECTFULLY SUBMITTED** this 13th day of January, 2023.

15 ARIZONA DEPARTMENT OF WATER
16 RESOURCES

17 

18 _____
19 Kimberly R. Parks, Deputy Counsel
20 Kome Akpolo, Deputy Counsel

21 ORIGINAL of the foregoing sent by first-class
22 mail on January 13, 2023, to:

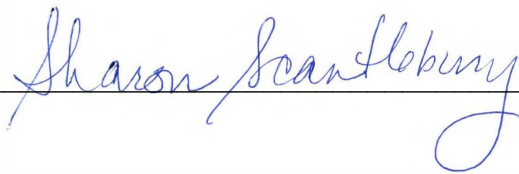
23 Clerk of the Apache County Superior Court
24 P.O. Box 365
25 St. Johns, Arizona 85936

26 ⁹ Although ADWR is not able to finalize the format of its proposed electronic signature process for SOC forms without court approval, it expects that the electronic signature process will generally match the process as described herein with possible formatting changes required upon implementation.

1 COPY of the foregoing sent by
2 first-class mail on January 13, 2023, to:

3 Special Master Susan Ward Harris
4 Maricopa County Superior Court
5 Central Court Building
6 201 West Jefferson Street, Suite 3A
7 Phoenix, AZ 85003-2205

8 COPIES of the foregoing sent by first-class
9 mail on January 13, 2023 to all parties
10 on the court-approved mailing list for the
11 Little Colorado River Adjudication, CV 6417.

12 A handwritten signature in blue ink, reading "Sharon Scanlon", is written over a horizontal line. The signature is cursive and extends slightly below the line.

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